IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the March 27th, 2006
Criminal Misc Bail Application no. 1008 of 2005
Order on the bail application of accused

CRIMINAL SIDE

Bhura Shah
S/o Madan Shah
R/o Village Firojpur
P.S. Kichha
District U.S. Nagar .. Applicant.

Versus

State of Uttaranchal .. Respondent.

Arising out of case crime No. 1036 of 2005
Under Sections 302 IPC
Police Station – Kichha
District U.S. Nagar

Hon'ble J.C.S.Rawat,J.

Heard Sri S.K. Mandal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The case rests upon the circumstantial evidence. Both the sons of the deceased and the accused, who are said to be present at the time of incident, have been declared hostile by the prosecution. The evidence of both the sons Basit and Mohd. Arif are on record. There is a circumstance against the applicant that he had a suspense on the character of the deceased and a witness Guddu was produced before the Court. But, the said witness has been declared hostile. Mukhtar Shah and Rehman Shah were the witnesses of panchayatnama and they have denied that they have seen the rope tied on the neck of the deceased. Both these witnesses have also been declared hostile by the prosecution. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 27.03.2006
LSR